IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 28397 of 2007(E)

PETITIONER:

T.R. PUSHKARAN, S/O. RAMAN T.K.,
THANDAMPARAMBIL HOUSE, MELOOR VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.SIBY MATHEW
SMT.ANEY PAUL

RESPONDENTS:

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1. THE TRISSUR DISTRICT CO-OPERATIVE
BANK LTD., TRISSUR, REPRESENTED BY ITS MANAGER.

2. THE TRISSUR DISTRICT CO-OPERATIVE
BANK LTD., CHALAKUDY BRANCH, CHALAKUDY,
REP. BY ITS BRANCH MANAGER.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, ARBITRATOR-CUM-SPECIAL SALE OFFICER,
THRISSUR DISTRICT CO-OPERATIVE BANK LTD.,
KURUPPAM ROAD, THRISSUR-680 001.

BY ADV. SRI.V.G.ARUN,SC,THRISSUR DIST.CO-OP BANK
SRI.T.R.HARIKUMAR,SC,THRISSUR DIST.CO.OP BANK
GOVERNMENT PLEADER, SMT.M.K.PUSHPALATHA FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28397 of 2007(E)

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE PHOTOCOPY OF THE JUDGMENT DTD.19/12/2006 IN WP(C) NO.33581/2006 BEFORE THIS HON'BLE COURT.

EXT.P2 TRUE PHOTOCOPY OF THE REPRESENTATION DT.11/12/2006 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P3 TRUE PHOTOCOPY OF THE NOTICE IN FORM 8 U/R 81(e) OF THE CO-OP.SOCIETIES RULES, 1969 ARC NO.184/04 DT.6/8/2007.

EXT.P4 TRUE PHOTOCOPY OF THE NOTICE IN FORM 8 U/R 81(e) OF THE CO-OP SOCIETIES RULES, 1969 ARC NO.183/04 DT.6/8/2007.

RESPONDENT'S EXTS:

ANNEX.I TRUE COPY OF THE JUDGMENT IN WP(C) NO.33581/2006 DT.19/12/2006

ANNEX.II TRUE COPY OF THE STATEMENT OF ACCOUNTS DATED 10/03/2007.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) No. 28397 of 2007-E

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Dated this the 11th day of December, 2007

J U D G M E N T

The petitioner is a debtor of the second respondent Bank, having availed two loans. He obtained Ext.P1 judgment directing that the statement of accounts may be issued. However, no remittance was made on the basis of the statement of accounts which the respondents have shown to have issued. Following the interim order dated 27/09/2007, it is submitted that the petitioner has deposited Rs.40,000/-.

2. I find no jurisdictional error in the impugned proceedings. Not only that, at the time of final hearing today, the submissions on behalf of the petitioner were confined to a request to permit the petitioner to pay off the balance outstandings in instalments.

Having regard to the total amount involved and the contentions of the petitioner, it is directed that if the petitioner remits at the rate of rupees forty thousand per month, payable on or before the 15th of every month, commencing from January, 2008, and thereby wipes off the entire outstandings including the accruals, the impugned distress action will be dropped. If there is any default in remitting any of the instalments as directed above, the benefit of this judgment will be recalled automatically and the respondent shall forthwith proceed with the recovery action, without any further notice to the petitioner. The writ petition is disposed of as above.

THOTTATHIL B. RADHAKRISHNAN,
Judge

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